

Exhibit 6

From: Bryan Cannon
Sent: Thursday, October 31, 2024 5:23 PM
To: jsheasby@irell.com; #Netlist-Samsung293; jtruelove@mckoolsmith.com
Cc: FISH SERVICE Samsung/Netlist 22cv00293; melissa@gillamsmithlaw.com
Subject: RE: Netlist v. Samsung-293 | Subpoena

Jason,

Dr. Groehn is an unavailable witness under the federal rules. We provided a subpoena seeking his testimony at trial. You have represented he is unavailable. If he is not available to testify at trial per our subpoena, he is an unavailable witness under Fed. R. Civ. P. 32(a)(4)(D), and we will play his deposition testimony.

We will be filing a motion for leave to designate his deposition testimony tomorrow. We understand you oppose.

Thanks,
Bryan

Bryan J Cannon

Associate ■ Fish & Richardson P.C.

T: 202 220 6859 | cannon@fr.com | [Bio](#)

From: Sheasby, Jason <JSheasby@irell.com>
Sent: Thursday, October 31, 2024 8:00 PM
To: Bryan Cannon <cannon@fr.com>; #Netlist-Samsung293 <Netlist-Samsung293@irell.com>; jtruelove@mckoolsmith.com
Cc: FISH SERVICE Samsung/Netlist 22cv00293 <FISHSERVICESamsung/Netlist22cv00293@fr.com>; melissa@gillamsmithlaw.com
Subject: Re: Netlist v. Samsung-293 | Subpoena

Bryan:

He is not an unavailable witness. He can sit for a trial deposition before he leaves. Please propose some dates next week.

Thanks
JS

From: Bryan Cannon <cannon@fr.com>
Date: Thursday, October 31, 2024 at 1:27 PM
To: Jason Sheasby <JSheasby@irell.com>, #Netlist-Samsung293 <Netlist-Samsung293@irell.com>, "jtruelove@mckoolsmith.com" <jtruelove@mckoolsmith.com>
Cc: FISH SERVICE Samsung/Netlist 22cv00293 <FISHSERVICESamsung/Netlist22cv00293@fr.com>, Melissa ~Smith <melissa@gillamsmithlaw.com>
Subject: RE: Netlist v. Samsung-293 | Subpoena

Jason,

Given that you have confirmed that Dr. Groehn is an unavailable witness, see Fed. R. Civ. P. 32(a)(4), Samsung will be moving for leave to play the attached deposition testimony of Dr. Groehn by designation.

Please let us know your position on our motion for leave by the end of the day.

Thanks,
Bryan

Bryan J Cannon
Associate ■ Fish & Richardson P.C.
T: 202 220 6859 | cannon@fr.com <<mailto:cannon@fr.com>> |
Bio <<https://url.us.m.mimecastprotect.com/s/iGcACKr6G0c46D8WCMfWF5Std/>>

From: Sheasby, Jason <JSheasby@irell.com>
Sent: Thursday, October 31, 2024 12:59 PM
To: Bryan Cannon <cannon@fr.com>; #Netlist-Samsung293 <Netlist-Samsung293@irell.com>; jtruelove@mckoolsmith.com
Cc: FISH SERVICE Samsung/Netlist 22cv00293 <FISHSERVICESamsung/Netlist22cv00293@fr.com>; melissa@gillamsmithlaw.com
Subject: Re: Netlist v. Samsung-293 | Subpoena

[This email originated outside of F&R.]

But to do this you will need to move to amend your witness list because he is not on your witness list.

JS

From: Jason Sheasby <JSheasby@irell.com <<mailto:JSheasby@irell.com>>>
Date: Thursday, October 31, 2024 at 9:33 AM
To: Bryan Cannon <cannon@fr.com <<mailto:cannon@fr.com>>>, #Netlist-Samsung293 <Netlist-Samsung293@irell.com <<mailto:Netlist-Samsung293@irell.com>>>, "jtruelove@mckoolsmith.com <<mailto:jtruelove@mckoolsmith.com>>" <jtruelove@mckoolsmith.com <<mailto:jtruelove@mckoolsmith.com>>>
Cc: FISH SERVICE Samsung/Netlist 22cv00293 <FISHSERVICESamsung/Netlist22cv00293@fr.com <<mailto:FISHSERVICESamsung/Netlist22cv00293@fr.com>>>, Melissa ~Smith <melissa@gillamsmithlaw.com <<mailto:melissa@gillamsmithlaw.com>>>
Subject: Re: Netlist v. Samsung-293 | Subpoena

Dr. Groehn has a pre-scheduled trial during the first week of our trial. He unexpectedly has to fly to Germany for his father's funeral the second week of trial.

If you desire to cross-examine him it will need to be via a trial deposition before he leaves for Germany.

JS

From: Bryan Cannon <cannon@fr.com <<mailto:cannon@fr.com>>>
Date: Thursday, October 31, 2024 at 9:18 AM
To: #Netlist-Samsung293 <Netlist-Samsung293@irell.com <<mailto:Netlist-Samsung293@irell.com>>>, "jtruelove@mckoolsmith.com <<mailto:jtruelove@mckoolsmith.com>>" <jtruelove@mckoolsmith.com <<mailto:jtruelove@mckoolsmith.com>>>

Cc: FISH SERVICE Samsung/Netlist 22cv00293

<FISHSERVICESamsung/Netlist22cv00293@fr.com<<mailto:FISHSERVICESamsung/Netlist22cv00293@fr.com>>>, Melissa ~Smith <melissa@gillamsmithlaw.com<<mailto:melissa@gillamsmithlaw.com>>>

Subject: Netlist v. Samsung-293 | Subpoena

Counsel,

We understand from Netlist's witness list representations that Dr. Groehn will not be called as a witness and will not be present at trial. Netlist's presentation of Dr. Groehn's regression analysis through Mr. Kennedy is improper. Samsung must be afforded the opportunity to cross-examine Dr. Groehn on his regression analysis to avoid prejudicing Samsung. See, e.g., Netlist, Inc. v. Samsung Elecs. Co., No. 2:21-cv-00463, Dkt. 608 at 57-58 (E.D. Tex. July 12, 2024).

Therefore, please let us know whether Netlist will accept the attached trial subpoena for Dr. Groehn and bring Dr. Groehn to trial.

Best,
Bryan

Bryan J Cannon

Associate ■ Fish & Richardson P.C.

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Bio<https://url.us.m.mimecastprotect.com/s/oAdXCPNYGPs37LxwlzfRFxO_CL/<https://url.us.m.mimecastprotect.com/s/oAdXCPNYGPs37LxwlzfRFxO_CL/>>

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